

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/849,979 Confirmation No.: 1858
Applicant : Ganesan, et al.
Filed : May 8, 2001
Art Unit : 3625
Examiner : Matthew S. Gart
Atty Docket No. : 23952-0127

REQUEST FOR PATENT TERM ADJUSTMENT RECONSIDERATION

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Applicants request reconsideration of the Patent Term Adjustment announced in the Notice of Allowance mailed September 14, 2007.

According to the Patent Term Adjustment under 35 U.S.C. 154 (b) accompanying the Notice of Allowability, the Office has determined the Patent Term Adjustment to be 502 days. Applicants calculate that the correct Patent Term Adjustment is 1012 days.

Applicants reviewed the Office's calculation of the 502 day term using Patent Application Information Retrieval System (PAIR) and herein describe discrepancies from Applicants' independent calculations of the Patent Term Adjustment considering 35 U.S.C. § 154 and 37 C.F.R. §§ 1.702-703.

First, Applicants agree with the 15 day delay shown on PAIR for the Office's first response mailed on July 23, 2002, greater than 14 months as guaranteed under 35 U.S.C. §

154(b)(1)(A)(i). Additionally, Applicants also agree with the 33 day deduction for their response and extension request mailed on November 25, 2002.

Second, however, Applicants respectfully assert that the 71 days the Office deducts against the delay in responding to the Non-final Rejection initially mailed on August 19, 2003 is improper. Applicants respectfully direct the Office's attention to the letter mailed on October 29, 2003 indicating a new mailing date for the same office action of October 29, 2003. Accordingly, Applicants responded timely with their response filed on January 29, 2004. Thus Applicants respectfully request that the 71 day period not be deducted from the number of PTO delay days.

Third, Applicants respectfully submit that the date of March 1, 2006 relied upon for the Decision by the Board of Patent Appeals and Interferences ("Board") is improper and should be February 28, 2006. According to 37 C.F.R. § 1.703(e), "[t]he period of adjustment under § 1.702(e) ... end[s] on the date of a final decision in favor of the applicant by the Board" Thus, Applicants respectfully assert that the number of delay days resulting from the successful appeal should be 590.

Fourth, Applicants respectfully submit that the Office did not take into consideration the allowance provided under 35 U.S.C. § 154(b)(1)(B) for days beyond a three-year pendency. Because Applicants filed a Request for Continued Examination ("RCE") under 35 U.S.C. § 132(b) on July 13, 2007, Applicants attribute the end of the pendency period to the filing date of the RCE per 37 C.F.R. § 1.702(b)(1). Accordingly, using the RCE filing date of July 13, 2007 as the end of the pendency period, the application would be pending for 1161 days beyond the three year date of May 8, 2004. Although, 37 C.F.R. § 1.702(b)(3) requires that the 590 days during appeal (discussed above) be excluded from the delay accorded for the application pending

greater than three years, reducing this delay to 571 days (though it is effectively added back by 37 C.F.R. § 1.702(e) because of the successful outcome).

Fifth, Applicants respectfully submit that the Office did not consider two periods of Applicants' delay associated with submissions after allowance, which should be further deducted from the overall term adjustment. On February 27, 2007, Applicants submitted a first Amendment After Notice of Allowance under 37 C.F.R. § 1.312, to which the office responded on April 12, 2007. Per 37 C.F.R. § 1.704(c)(10)(i), this period of a 45 day delay should be deducted from the adjustment. On May 3, 2007, Applicants submitted a second Amendment After Notice of Allowance under 37 C.F.R. § 1.312, to which the Office responded on July 12, 2007, generating another 71 day delay period to be deducted from the adjustment.

Additionally, 37 C.F.R. § 1.703(f) limits the delay period to the actual period of delay and prevents counting overlapping periods. Applicants submit that the 15 day delay caused during the first office action is overlapping with the 571 days beyond three-year pendency and should not be counted in the total patent term adjustment calculation.

Accordingly, Applicants respectfully submit that the patent term should be extended to 1012 days and request reconsideration thereof. A simple calculation is given: 1161 days (pendency beyond three years) + 15 days (Office delay) – 15 days (overlapping period) – 590 days (appeal) + 590 days (successful appeal) – 33 days (Applicants' delay) – 45 days (Applicants' delay) – 71 days (Applicants' delay) = 1012 days.

Attached as Appendix A is an "Analysis Summary Report" created at www.patentterm.com showing the corrected calculation of the patent term for Application Number 09/849,979.

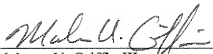
Request for Patent Term Adjustment Reconsideration
Applicant: Ganesan, et al.
Filed: May 8, 2001
Application No.: 09/849,979

In compliance with its duty of candor under 37 CFR 1.56, the applicant hereby notifies the Patent Office of this possible discrepancy and asks for a prompt ruling. As the error appears to be one that occurred at the Patent Office through no fault of the applicant, it is not believed that the \$200.00 fee under 37 CFR 1.18(e) should be required for adjustment of the patent term. However, in the event any fee is required for the reconsideration of the patent term adjustment such fees are hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by a telephone conference, the Office is invited to call the undersigned attorney at (404) 853-8233.

The foregoing is submitted as a full and complete Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705 (b).

Respectfully submitted,


Malvern U. Griffin III
Attorney for Applicant
Registration No. 38,899

DATE: 12/14/07

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SAB Docket No.: 23952-0127

Request for Patent Term Adjustment Reconsideration
Applicant: Ganesan, et al.
Filed: May 8, 2001
Application No.: 09/849,979

Appendix A

AIPA Term Calculation Report

| APPLICATION INFORMATION | | | |
|-------------------------|--|------------------------|---------------------------------|
| Docket Number: | 23952-0127 | User Name: | Decker, Brian |
| Application Number: | 09/849,979 | Firm/Company Name: | Sutherland Asbill & Brennan LLP |
| Filing Date: | 05/08/2001 | User Comments: | |
| Title/Inventor(s): | METHOD AND SYSTEM FOR MAKING A MONETARY GIFT; Ravi Ganesan, Norcross, GA | | |
| | | Calculation Generated: | 12/13/2007 02:55:03 PM ET |

| AIPA TERM CALCULATION SUMMARY | |
|--|--------------------|
| Calculation Mode: | Preliminary (1) |
| Earliest Referenced Application under 35 USC § 120, 121, or 365(c): | 12 / 28 / 2000 |
| Filing Date (US National Application): | 05 / 08 / 2001 |
| Net Adjustment Credits: | 1161 Days |
| Net Adjustment Debits: | 149 Days |
| Patent Term Adjustment: | 1012 Days |
| AIPA Patent Term End Date: | 10 / 06 / 2023 (2) |
| <p>(1) Based on your current data for this application, a complete calculation could not be performed. A claim required request(s) are missing from this application. For a list of event and info issues, see the Term Analysis tab.</p> <p>(2) A term extension payment of \$11,000.00 is due on 10/06/2023. If not paid, the term will end on 10/06/2023. If paid, the term will end on 10/06/2023.</p> | |

| COMPARISON TO USPTO PAIR PTA TAB (3) (Based on PAIR Data from 12/12/2007) | | | |
|--|--------------|----------------------|------------|
| | PAIR PTA Tab | Your Calculation (1) | Comparison |
| Credit Days (USPTO Delay): | 606 | 1161 | x |
| Debit Days (Applicant Delay): | 104 | 149 | x |
| Total Patent Term Adjustment Days: | 502 | 1012 | x |

(3) Credit days shown in USPTO Delay, Applicant Delay, and Total Patent Term Adjustment fields displayed on USPTO PAIR Patent Term Adjustments (PTA) tab on 12/12/2007. See the full PAIR PTA tab for a complete list of notice of allowance, PTA-related portions, and issued patent for complete information on USPTO-related PTA.

| RULE CALCULATION SUMMARY (1)(4) | | | | | |
|---|---|---|--------------------|----------------|-----------------|
| Event | Rule Invoked | Related Event | Exclusion Days (5) | Debit Days (6) | Credit Days (7) |
| 05/08/2001 Filing Date under 35 USC 111(a) (US National Application) | 14-Month PTO First Action PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132 or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1). | 07/23/2002 Non-final Action <i>First PTO Action</i> | | | 15 |
| 05/08/2001 Filing Date under 35 USC 111(a) (US National Application) | 3-Year PTO Issue of Patent PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b). You have elected to analyze this rule under the PTO Exclusion Interpretation. You have elected to analyze this rule under the 37 CFR § 1.703(f) Actual Delay Limitation. Credit Days shown for this rule are those remaining after the Actual Delay Limitation is applied. See calculation details below. If you are viewing an AIPA Term Calculation Calendar, note that the calendar months show marks for all credits under this rule, even those eliminated under this election. | <i>Issue Days</i> 07/13/2007 Request for Continued Examination under 35 U.S.C. 132(b) | | | 556 |

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|---|---|---|--|----|--|--|
| C | 06/04/2001 Notice to File Missing Parts (nonprovisional application) | <p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p><i>Applicant Response</i></p> <p>07/13/2001 Applicant Letter (unknown purpose)</p> | 0 | | |
| D | 07/23/2002 Non-final Action | <p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p><i>Applicant Response</i></p> <p>11/25/2002 Reply after Non-final Action under 37 CFR 1.111</p> | 33 | | |
| F | 11/25/2002 Reply after Non-final Action under 37 CFR 1.111 | <p><u>4-Month PTO Response to Applicant Reply</u></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p> | <p><i>PTO Response</i></p> <p>02/27/2003 Non-final Action</p> | 0 | | |

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|---|---|--|--|---|--|
| F | 02/27/2003 Non-final Action | <p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p>05/23/2003 Reply after Non-final Action under 37 CFR 1.111</p> <p><i>Applicant Response</i></p> | 0 | |
| G | 05/23/2003 Reply after Non-final Action under 37 CFR 1.111 | <p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p> | <p>08/19/2003 Non-final Action</p> <p><i>PTO Response</i></p> | 0 | |
| H | 10/29/2003 Letter Restarting Period for Response | <p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p>01/29/2004 Reply after Non-final Action under 37 CFR 1.111</p> <p><i>Applicant Response</i></p> | 0 | |
| I | 01/29/2004 Reply after Non-final Action under 37 CFR 1.111 | <p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p> | <p>04/19/2004 Final Rejection</p> <p><i>PTO Response</i></p> | 0 | |

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| J | 04/19/2004 Final Rejection | <p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p><i>Applicant Response:</i></p> <p>07/19/2004 Notice of Appeal to Board of Patent Appeal and Interferences</p> | 0 | | |
| K | 07/19/2004 Notice of Appeal to Board of Patent Appeal and Interferences | <p>Exclusion for Appellate Review</p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(i); 37 CFR 1.702(b)(4); 1.703(b)(4).</p> | <p><i>Responsive Events:</i></p> <p>02/28/2006 Other</p> | 590 | | |
| L | 07/19/2004 Notice of Appeal to Board of Patent Appeal and Interferences | <p>Credit for Successful Appellate Review</p> <p>Term of an original patent shall be adjusted (credits) for the period beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of a final decision in favor of the applicant by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145. 35 USC 154(b)(1)(C)(iii); 37 CFR 1.702(e), 1.703(e).</p> <p>You have indicated the patent issued under an appeal decision reversing an adverse determination of patentability.</p> | <p><i>Final Appellate Decision:</i></p> <p>02/28/2006 Other</p> | 590 | | |
| M | 09/20/2004 Appeal Brief by Applicant | <p>4-Month PTO Response to Appeal Brief</p> <p>PTO must respond to an appeal taken under 35 USC 134 not later than 4 months after the date on which the appeal was taken. The period of adjustment (credits) begins on the day after the date that is 4 months after the date an appeal brief in compliance with 37 CFR 41.37 was filed and ending on the date of mailing of any of an examiner's answer under 37 CFR 41.39, an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(2), 1.703(a)(4).</p> | <p><i>PTO Response to Appeal Brief:</i></p> <p>12/16/2004 Examiner's Answer to Appeal Brief</p> | 0 | | |

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|---|--|--|----------|----------|
| <p>03/01/2006 Other</p> | <p>4-Month PTO Response to Appellate Decision</p> <p>PTO must act on an application not later than 4 months after the date of a decision by the BPAI under 35 USC 134 or 135 or a decision by a Federal court under 35 USC 141, 145, or 146 where at least one allowable claim remains in the application. The period of adjustment (credits) begins on the day after the date that is 4 months after the date of the final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145 or 146 and ending on the date of mailing of either an action under 35 USC 132 or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(c)(3), 1.703(c)(5).</p> <p>Since you have indicated that no allowable claim remains in the application, no adjustment (credits) is generated via this rule.</p> | <p><i>PTO Response to Decision</i></p> <p>08/04/2006 Miscellaneous PTO Action or Notice</p> | | <p>0</p> |
| <p>08/04/2006 Miscellaneous PTO Action or Notice</p> | <p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p><i>Applicant Response</i></p> <p>09/11/2006 Reply after Non-final Action under 37 CFR 1.111</p> | <p>0</p> | |
| <p>09/11/2006 Reply after Non-final Action under 37 CFR 1.111</p> | <p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2), (3).</p> | <p><i>PTO Response</i></p> <p>11/27/2006 Notice of Allowance under 35 USC 151</p> | | <p>0</p> |

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|--|---|--|-----------|------|
| <p>Q</p> <p>11/27/2006 Notice of Allowance under 35 USC 151</p> | <p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.703(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> | <p><i>Applicant Response</i></p> <p>02/27/2007 Issue Fee Payment under 35 USC 151</p> | <p>0</p> | |
| <p>R</p> <p>02/27/2007 Amendment after Notice of Allowance under 37 CFR 1.312</p> | <p><u>Amendment or Paper after Notice of Allowance</u></p> <p>Period of adjustment (credits) shall be reduced where applicant submits an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed, (i) for the period beginning on the date the amendment or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment or such other paper; or (ii) 4 months, whichever is less. 37 CFR 1.704(c)(10).</p> <p>You have elected to analyze this rule under the PTO Interpretation. Both interpretations produce the same result.</p> | <p><i>Amendment or Paper after Notice of Allowance</i></p> <p>11/27/2006 Notice of Allowance under 35 USC 151</p> <p><i>Office Action or Notice of Allowance</i></p> <p>04/12/2007 Response to Amendment after Notice of Allowance</p> | <p>45</p> | |
| <p>S</p> <p>05/03/2007 Amendment after Notice of Allowance under 37 CFR 1.312</p> | <p><u>Amendment or Paper after Notice of Allowance</u></p> <p>Period of adjustment (credits) shall be reduced where applicant submits an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed, (i) for the period beginning on the date the amendment or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment or such other paper; or (ii) 4 months, whichever is less. 37 CFR 1.704(c)(10).</p> <p>You have elected to analyze this rule under the PTO Interpretation. Both interpretations produce the same result.</p> | <p><i>Amendment or Paper after Notice of Allowance</i></p> <p>11/27/2006 Notice of Allowance under 35 USC 151</p> <p><i>Office Action or Notice of Allowance</i></p> <p>07/12/2007 Response to Amendment after Notice of Allowance</p> | <p>71</p> | |
| Total Exclusion, Debit, and Credit Days: | | | 590 | 1161 |
| Overlap Days (8) : | | | 0 | 0 |
| Net Exclusion, Debit, and Credit Days: | | | 590 | 1161 |

Patent Term Adjustment Days (9) :

1012

(4) Calculation of Debit, Credit, and Exclusion Days are determined by the rule assignments, assignments of related events, and analysis options in the Apply Term Rules tab. The patent professional using this system is responsible for reviewing and updating the Apply Term Rules tab to ensure all data is complete, correct, and consistent with their guidance and interpretation of applicable legal authority.

(5) Exclusion Days are periods of applicable legal authority. (6) Exclusion Days are periods which are not included in determining the end of the 3-year period after the date on which the application was filed under 35 USC 111(a), or the national stage commenced under 35 USC 371(b) or (f) in an international application, fixed to determine credits under the 3-Year PTO Issue of Patent rule. See 35 USC 154(d)(1)(B)(i)-(d)(1)(B)(ii) and 37 CFR 1.703(b)(1)-(5), 703(b)(1)-(4).

(6) Debit Days are days where periods for each form of period of adjustment of patent term exist, e.g., 37 CFR 1.704. Debit Days are sometimes referred to as Applicant Delay.

(7) Credit Days are days where periods for adjustment of patent term exist. See e.g., 37 CFR 1.703, 1.705. Credit Days are sometimes referred to as USPTO Delay.

(8) To the extent credit periods overlap other credit periods, debit periods overlap other debit periods, or exclusion periods overlap other exclusion periods, overlaps are subtracted so that each individual day generates at most one credit day, one debit day, and one exclusion day.

(9) Patent Term Adjustment Days equals Net Credit Days minus Net Debit Days, but is not less than zero.

| 37 CFR § 1.703(f) "ACTUAL DELAY" LIMITATION CALCULATION | |
|--|-------------|
| | Credit Days |
| Number of days issue of patent exceeded 3 years after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application, not including exclusion days (5) : | 571 |
| Number of Net Credit Days (7) from all rules other than 3-Year PTO Issue of Patent rule, not including Credit Days on exclusion days (5) : | 15 |
| Remaining Credit Days generated under 3-Year PTO Issue of Patent rule, after 37 CFR 1.703(f) Actual Delay Limitation: | 556 |